



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/678,002      | 10/02/2003  | Raymond Bontempi     | 80113-0363 (D3144)  | 9226             |

20480 7590 06/12/2006  
STEVEN L. NICHOLS  
RADER, FISHMAN & GRAVER PLLC  
10653 S. RIVER FRONT PARKWAY  
SUITE 150  
SOUTH JORDAN, UT 84095

EXAMINER

LESPERANCE, JEAN E

ART UNIT PAPER NUMBER

2629

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/678,002             | BONTEMPI, RAYMOND   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jean E. Lesperance     | 2629                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-24 is/are allowed.
- 6) ☒ Claim(s) 1-18 and 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. The application filed October 2, 2003 is presented for examination and claims 1-29 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-7, 9-15, 18, and 25-29 are rejected under 35 U.S.C. 102(b) as being unpatentable over US Patent # 6,049,880 ("Song").

Regarding claim 1, Song teaches a method for determining a power status (a hub power controller that cuts off the hub power to the peripheral devices when the hub power exceeds a predetermined power level (abstract) comprising: detecting a current associated with a power source of a display device (a hub power detector for detecting the hub power (column 3, lines 49 and 50) of the computer display monitor Fig.2 (16)); and determining said power status of said display device in accordance with said current (the method comprises the steps of detecting the hub power, determining whether the hub power is in excess of a predetermined power or not, cutting off the hub power to the hub ports when the hub power exceeds the predetermined power, and displaying the hub power status on the partial area of the display monitor screen when

the on-screen display of the hub power status is required (column 3, lines 53-60)).

Regarding claim 2, Song teaches said display device is one of a television and a digital video recorder (a digital video camera Fig.1 (5)).

Regarding claim 3, Song teaches transmitting said power status to a head-end unit (monitor controller Fig.2 (12)).

Regarding claim 4, Song teaches conditioning a transmission of a signal to said display device upon said power status (display monitor apparatus transmits a signal to a printer coupled to said display monitor apparatus, displaying said hub power supply status to said user Fig.2 (16)).

Regarding claim 5, Song teaches providing for a download of data by an in-band frequency if said power status indicates that said display device is off (a hub power controller that cuts off the hub power to the peripheral devices when the hub power exceeds a predetermined power level. The computer monitor includes an on-screen display controller that displays the status of hub power on a partial area of a computer monitor screen (abstract)).

Regarding claim 6, Song teaches adjusting transmission of at least one of a message, a reminder, and a programming signal based on said power status (Standby mode saves about 30% of the power required for power-on mode and allows the display monitor apparatus to change to power-on mode instantly, as soon as needed (column 6, lines 23-26)).

Regarding claim 7, Song teaches a system for determining a power status (a hub power controller that cuts off the hub power to the peripheral devices when the hub

power exceeds a predetermined power level (abstract) comprising: a display device Fig.2 (16); a sensor configured to detect a current associated with a power source of said display device (monitor controller Fig.2 (12)); and a detection device (Fig.2 (26) communicatively coupled to said display device Fig.2 (16) and to said sensor Fig.2 (12), wherein said detection device is configured to determine said power status of said display device in accordance with said current (the steps of detecting the hub power, determining whether the hub power is in excess of a predetermined power or not, cutting off the hub power to the hub ports when the hub power exceeds the predetermined power, and displaying the hub power status on the partial area of the display monitor screen when the on-screen display of the hub power status is required (column 3, lines 54-60)).

Regarding claim 9, Song teaches said display device is one of a television and a digital video recorder (a digital video camera Fig.1 (5)) where the camera can be a recorder.

Regarding claim 10, Song a head-end unit configured to access data associated with said power status of said display device (monitor controller Fig.2 (12)).

Regarding claim 11, Song teaches said detection device is configured to power on if said power status indicates that said display device transitions from an off state to an on state (suspend mode saves more power than standby mode by powering off the cathode ray tube's main heater but requires up to 5 seconds to change to power-on mode (column 6, lines 30-33).

Regarding claim 12, Song teaches said detection device is configured to switch to

Art Unit: 2629

a standby mode if said power status indicates that said display device transitions from an on state to an off state (If the hub power exceeds the predetermined power, the flow proceeds to step S140 wherein the monitor controller 12 cuts off the hub power to the hub ports 46, 47 and 48 by disabling the switching regulator 32. If not, the flow turns back to step S100 (column 7, lines 53-57)).

Regarding claim 13, Song teaches said detection device is configured to adjust transmission of at least one of a message, a reminder, and a programming signal if said power status indicates that said display device is off (Standby mode saves about 30% of the power required for power-on mode and allows the display monitor apparatus to change to power-on mode instantly, as soon as needed (column 6, lines 23-26)).

Regarding claim 14, Song teaches said detection device is configured to download data from a head-end unit by an in-band frequency if said power status indicates that said display device is off (a hub power controller that cuts off the hub power to the peripheral devices when the hub power exceeds a predetermined power level. The computer monitor includes an on-screen display controller that displays the status of hub power on a partial area of a computer monitor screen (abstract)).

Regarding claim 15, Song teaches a system for determining a power status (a hub power controller that cuts off the hub power to the peripheral devices when the hub power exceeds a predetermined power level (abstract) comprising: a detection means communicatively coupled to a display means (a hub power supply (26) connected to the display (16); and a sensing means communicatively coupled to said detection means (monitor controller (12) connected to the hub power supply (26), said sensing means

Art Unit: 2629

(monitor controller (12)) being configured to detect a current associated with a power source of said display means (16); wherein said detection means (26) is configured to receive data associated with said current from said sensing means (12) and to determine said power status of said display means in accordance with said data associated with said current (a hub power controller that cuts off the hub power to the peripheral devices when the hub power exceeds a predetermined power level. The computer monitor includes an on-screen display controller that displays the status of hub power on a partial area of a computer monitor screen (abstract)).

Regarding claim 18, Song teaches said display means is one of a television and a digital video recorder (a digital video camera Fig.1 (5)).

Regarding claim 25, Song teaches a processor-readable medium including processor instructions that instruct a processor (monitor controller Fig.2 (12)) to perform the steps of: receiving a data signal associated with a current, said current being associated with a power source of a display device (a monitor controller controlling said video display, said primary power supply and said hub power supply, and receives said detection signal generated by said hub power detection circuit Fig.2 (16); and determining a power status of said display device in accordance with said current (the method comprises the steps of detecting the hub power, determining whether the hub power is in excess of a predetermined power or not, cutting off the hub power to the hub ports when the hub power exceeds the predetermined power, and displaying the hub power status on the partial area of the display monitor screen when the on-screen display of the hub power status is required (column 3, lines 53-60)).

Regarding claim 26, Song teaches said determining said power status of said display device in accordance with said current includes comparing an attribute of said current to a predetermined threshold (the steps of detecting the hub power, determining whether the hub power is in excess of a predetermined power or not, cutting off the hub power to the hub ports when the hub power exceeds the predetermined power (column 3, lines 54-57)).

Regarding claim 27, Song teaches said display device is one of a television and a digital video recorder (a digital video camera Fig.1 (5)).

Regarding claim 28, Song teaches transmitting said power status to a head-end unit (monitor controller Fig.2 (12)).

Regarding claim 29, Song teaches conditioning a transmission of a signal to said display device upon said power status (display monitor apparatus transmits a signal to a printer coupled to said display monitor apparatus, displaying said hub power supply status to said user Fig.2 (16)).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,049,880 ("Song") in view of US Patent # 5,915,243 ("Smolen").



Regarding claim 8, Song fails to teach said detection device is a set-top box configured to process television services.

However, Smolen teaches a signal receiving device (101) as a set-up box and a display device (103) (see fig.1).

Thus, it would have been obvious to a person of ordinary skill in the art the at the time the invention was made to utilize the signal receiving as taught by Smolen in the computer display monitor disclosed by Song because this would provide a method for iteratively questioning a household or person to establish an information profile, the profile is then used to establish potential and current market interests, and promotions for such interests are then delivered to the household (column 3, lines 11-15)

Regarding claim 16, Smolen teaches said detection means is a set-top box (a signal receiving device (101) as a set-up box and a display device (103) (see fig.1)). Same motivation as in claim 8.

Regarding claim 17, Smolen teaches said set-top box is configured to provide cable television services to said display means (a signal receiving device (101) as a set-up box and a display device (103) (see fig.1)). Same motivation as in claim 8.

***Allowable Subject Matter***

4. Claims 19-24 are allowed.
5. The following is an examiner's statement of reasons for allowance: the claimed invention is directed to a system for determining a power status.

Independent claim 19 identifies a uniquely distinct feature "wherein said detection device is configured to receive data associated with said first electrical current and said second electrical current and to determine a first power status associated with said first display device and a second power status associated with said second display device in accordance with said data".

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (571) 272-7692. The examiner can normally be reached on from Monday to Friday between 10:00AM and 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks Washington, D.C. 20231

**or faxed to:**

(571) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Application/Control Number: 10/678,002

Page 10

Art Unit: 2629

Jean Lesperance



Date 6/7/2006

Art Unit 2629



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNICAL CENTER 2600